

**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION**

Dated : Nainital the 16th day of August 2005
Criminal Misc. Bail Application No.719/2005

Order on the bail application of accused

CRIMINAL SIDE

Poshakhi Lal
S/o Ramcharan Lal
R/o Tanda Inhetulla
P.S. Bhojipura
District Bareilly

..... Applicant

Versus

State of Uttaranchal

..... Opposite Party

Arising out of case crime No.1129 of 2005
U/s 392, 411 I.P.C. & 2/3 Gangster Act
P.S. Khatima
District U. S. Nagar

Hon'ble J. C. S. Rawat, J.

Heard Smt. Pushpa Joshi learned counsel for the applicant and learned A.G.A. for the State.

Perused the record. The learned counsel for the applicant contended that the joint recovery has been made. The witnesses of the alleged recovery belongs to Bareilly and they known to the accused persons. As such, it is a concocted recovery. The learned counsel for the applicant further contended that the statement of the reporter-Nasir Khan was recorded after the recovery of the vehicle. The statement recorded under section 161 Cr.P.C. is altogether different from the FIR. Considering the facts and circumstances of the case, it is a fit case for bail.

Let the applicant-accused be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

Dated 16.08.2005
LSR

(J.C.S. Rawat, J.)